

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
DIVISION

2012 JUN 14 PM 12:35
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

Debra J. Smith

Name of Plaintiff

v.

Tennessee Department of Health

Melissa Blair

Name of Defendant(s)

Case No. 3-12 0611
(To be assigned by Clerk)
Jury Demand ☒ Yes ☐ No

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Debra J. Smith, is a citizen of the United States and resides at

433 Star Boulevard, Madison
Street address City

Davidson, Tennessee, 37115, 615-305-9093
County State Zip Code Telephone Number

3. Defendant, Tennessee Dept. of Health, resides at, or its business is located at

425 5th Avenue North, Cordell Hull Bldg., Nashville
Street address City

Davidson, Tennessee, 37243
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

Melissa Blair
425 5th Avenue North, Cordell Hull Bldg. 5th Flr
Nashville, TN 37243

4. Plaintiff sought employment from the Defendant or was employed by the Defendant at

425 5th Avenue North, Nashville,
 Street address City
Davidson, Tennessee, 37243.
 County State Zip Code

5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about May 2 2011.
 Month Day Year

6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about May 5 2011.
 Month Day Year

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on May 1 2012, a copy of which Notice is attached.
 Month Day Year

8. Because of Plaintiff's (1) X race, (2) _____ color, (3) _____ sex,
 (4) _____ religion, (5) _____ national origin, the Defendant:

- a. _____ failed to employ Plaintiff.
- b. _____ terminated Plaintiff's employment.
- c. _____ failed to promote Plaintiff.
- d. ☒ _____ retaliated against Plaintiff for having filed a charge of discrimination.
- e. _____ other. Explain: _____

9. The circumstances under which Defendant discriminated against Plaintiff were as follows:

Please see attached document titled:
 "The Circumstances Under Which Defendants
 Discriminated Against Plaintiff."

(You may use additional paper, if necessary.)

10. The acts set forth in paragraph 8 of this Complaint:

- a. _____ are still being committed by Defendant.
- b. _____ are no longer being committed by Defendant.
- c. ☒ _____ may still be being committed by Defendant.

11. Plaintiff attaches to this Complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this Complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- a. _____ direct that Defendant employ Plaintiff, or
- b. _____ direct that Defendant re-employ Plaintiff, or
- c. _____ direct that Defendant promote Plaintiff, or
- d. X order other equitable or injunctive relief: Please see document titled, "Injunctive Relief".
- e. _____ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;
- f. X direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$122,000 for injury to professional standing and emotional harm.
- g. X direct that Defendant pay Plaintiff punitive damages in the amount of \$178,000 because Defendant engaged in a discriminatory practice or practices with malice or with reckless indifference to Plaintiff's federally protected rights, as described in paragraphs 8 and 9 above; and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.

Debra J. Smith
(Signature of Plaintiff)